

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PATIENCE OYOYO AND
DR. KEVIN OYOYO,

Plaintiffs,

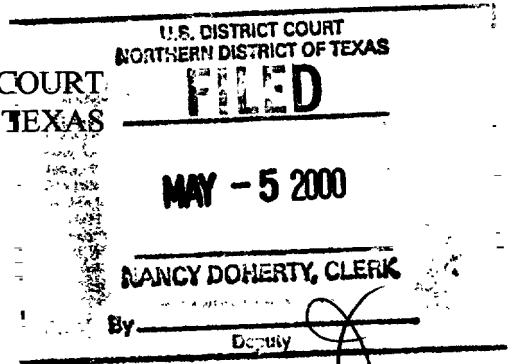
v.

BAYLOR HEALTH NETWORK, INC.,

Defendant.

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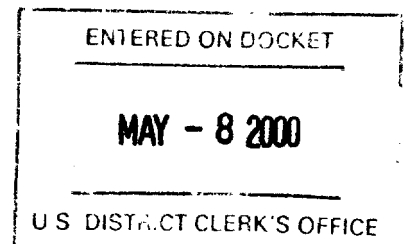
Civil Action No. 3:99-CV-0569-L



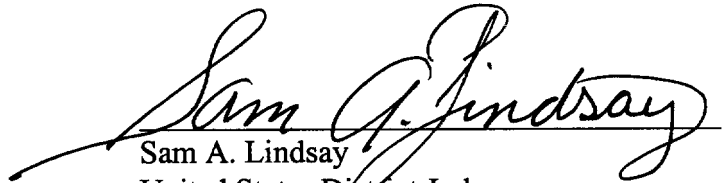
ORDER

Before the court is Plaintiffs' Motion for Leave to File Amended Pleading, filed April 17, 2000. The court's scheduling order entered August 18, 1999 established a deadline for motions for leave to amend pleadings of November 16, 1999. Plaintiffs have filed their motion five months past the expiration of this deadline, and less than two months before trial, offering no excuse for their untimeliness. Moreover, Plaintiffs seek to file their amended pleading so that they can "flesh out [their] theory of retaliation," which they admit they first raised before the EEOC nearly two years ago, on or about July 7, 1998. Plaintiffs had ample time to raise their retaliation claim prior to the expiration of the amended pleadings deadline, yet failed to do so. The court finds that Plaintiffs have offered no valid excuse for their failure to amend their pleadings prior to the court's scheduling order deadline, and that permitting Plaintiffs to amend their pleadings at this late date would only serve to delay unnecessarily the proceedings in this case and cause undue prejudice to Defendant. For these reasons, Plaintiffs' Motion for Leave to File Amended Pleading is **denied**.

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It is so ordered this 5th day of May, 2000.


Sam A. Lindsay
United States District Judge